

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE**

ANGELA MISER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. 2:13-cv-315
ACE EUROPEAN GROUP, LIMITED and)	
TAPCO UNDERWRITERS, INC.)	
Defendants.)	
_____)	

**NOTICE OF REMOVAL OF CIVIL ACTION FROM THE CIRCUIT COURT OF
HANCOCK COUNTY**

Pursuant to 28 U.S.C. § 1446, Defendants Ace European Group Limited and Tapco Underwriters, Inc. (collectively “Defendants”) file this Notice of Removal in the United States District Court for the Eastern District of Tennessee, Northeastern Division at Greeneville, Tennessee, on the following grounds:

1.

On December 6, 2010, Plaintiff brought a civil action in the Hancock County Circuit Court, Tennessee, styled *Angela Miser v. Markel International Insurance Company, Tapco Underwriters, Inc. and Randy Greene, d/b/a Greene Insurance Agency*, No. C3195.

2.

Plaintiff sought to amend her Complaint to add Ace European Group Limited (“Ace”) to the action as a defendant, filing a Motion to Amend and an Amended Complaint on March 4, 2011.

3.

Defendant Tapco Underwriters, Inc. was served with the Motion to Amend and an Amended Complaint through its registered agent, CT Corporation, on or around March 17, 2011.

4.

On May 24, 2011, Ace was substituted as a defendant for Markel International Insurance Company by Order to Substitute Party. Ace was subsequently serve through counsel on or around June 8, 2011.

5.

On October 29, 2013, Defendant Randy Greene, a citizen of Tennessee, was dismissed from this matter by the state court's Order Granting Summary Judgment in Favor of Randy Greene, D/B/A/Greene Insurance Agency With Express Direction for Entry of Final Judgment.

6.

A true and correct copy of all process, pleadings, and orders in the case pending in Hancock County Circuit Court, Tennessee, as *Angela Miser v. Markel International Insurance Company, Tapco Underwriters, Inc. and Randy Greene, d/b/a Greene Insurance Agency*, No. C3195, including the Complaint, Summons, Amended Complaint, Order to Substitute Party, and Order Granting Summary Judgment in Favor of Randy Greene, D/B/A Greene Insurance Agency With Express Direction for Entry of Final Judgment, are collectively attached to this Notice of Removal as Exhibit "A," as required by 28 U.S.C. § 1446 (a).

7.

Plaintiff is a citizen and resident of Tennessee. (See Compl.)

8.

Ace is a foreign entity organized under the laws of the United Kingdom and whose principal place of business is located in London, England, United Kingdom.

9.

Tapco is a corporation incorporated in North Carolina with its principal place of business in North Carolina. (See Compl.)

10.

Because the remaining parties are completely diverse and the amount in controversy exceeds the sum of \$75,000, jurisdiction is founded on diversity of citizenship pursuant to 28 U.S.C. § 1332. (See Compl.)

11.

Defendants' removal in this civil action is timely pursuant to 28 U.S.C. § 1446 (b)(3) and (c)(1) in that less than thirty (30) days have elapsed since Defendants received a copy of the Order Granting Summary Judgment in Favor of Randy Greene, D/B/A Greene Insurance Agency With Express Direction for Entry of Final Judgment, which created diversity. On information and belief, the Plaintiff has acted in bad faith in order to prevent Defendants from removing the action. Such bad faith is demonstrate by the Plaintiff's improper inclusion of Randy Greene, a citizen of Tennessee also, as a defendant in this litigation though no claim was ever stated against him in any complaint. (See Order Granting S.J.) Furthermore, Plaintiff's

counsel delayed the Court's correction of this erroneous inclusion of Randy Greene for over a year by repeatedly avoiding hearing on Randy Greene's Motion for Summary Judgment due to alleged health issues and/or family concerns. (See Declaration of Nanette Wesley attached hereto as Exhibit "B".) Defendants have never asserted any claims or defenses with respect to Randy Greene, and counsel previously advised Plaintiff of the lack of reasonable basis for the action. (See TAPCO Underwriters, Inc.'s Ans. To Pl.'s Am. Compl.; Ace European Group Limited's Ans. To Pl.'s Am. Compl.; Declaration of Nanette Wesley.)

12.

Defendants are timely providing written notice of removal of the civil action to Plaintiff and are filing a copy of the notice with the Clerk of the Circuit Court in which the action is pending. (A true and correct copy of Defendants' Notice of Filing of Notice of Removal that Defendants are filing in the State Court is attached hereto as Exhibit "C".)

WHEREFORE, Defendants respectfully request that Case Number C3195, currently pending in Hancock County Circuit Court, Tennessee be removed to the United States District Court for the Eastern District of Tennessee, Northeastern Division at Greeneville, Tennessee.

Respectfully submitted this 27th day of November 2013.

/s/ Renee Levay Stewart

Renee Levay Stewart
Tennessee State Bar No.: 018768

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date serve a copy of the foregoing NOTICE OF REMOVAL, by depositing a true and correct copy of same in the United States Mail, with adequate postage thereon and addressed to counsel of record as follows:

Counsel for Plaintiff Angela Miser:

Creed A. Daniel, Esq.
Daniel & Daniel
Courthouse Square
115 Marshall Avenue
Rutledge, TN 37861

Respectfully submitted this 27th day of November 2013.

/s/ Renee Levay Stewart

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